

the selected location and said marking device is adapted to deploy said marker element into said retained tissue.

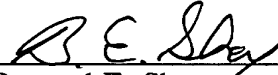
### REMARKS

Applicant has canceled claims 1, 15, 16, 35-37, 43 and 44. These claims were canceled solely for the purpose of allowing claims 17 and 45 to issue. Applicant continues to believe, for reasons set forth in previous amendments, that claims 1, 15, 16, 35-37, 43 and 44 are patentable over the cited prior art. Applicant therefore reserves the right to file continuing patent applications including claims 1, 15, 16, 35-37, 43 and 44.

The Examiner has objected to Claim 45 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has, therefore, amended claim 45 to incorporate all of the limitations of claims 1 and 16.

In view of the Examiner's action and the amendments and remarks contained herein, it is respectfully submitted that the Claims as amended are in condition for allowance. Accordingly, Applicant requests reconsideration of the application and early notification of allowance of these claims. If, however, after review of the present amendment, there are any issues left unresolved or if the Examiner otherwise believes that an interview with Applicant's attorney would be appropriate or helpful, then the Examiner is requested to call the undersigned attorney.

Respectfully submitted,

  
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